

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMEL BARNES,)	
)	
Plaintiff,)	
)	
v.)	No. 17-cv-07358
)	
ARYZTA, LLC,)	
)	
Defendant.)	

**DEFENDANT ARYZTA LLC’S
NOTICE OF SUPPLEMENTAL EXHIBIT
AND REQUEST FOR ORAL ARUGMENT**

PLEASE TAKE NOTICE that Defendant ARYZTA LLC hereby submits the attached First Amended Class Action Complaint and Demand for Jury Trial (**Exhibit K**), filed by Plaintiff, Jamel Barnes, in the underlying proceedings before the Circuit Court of Cook County following this Court’s remand of this matter on December 20, 2017, as a Supplemental Exhibit for further consideration by this Court in connection with the award of costs and attorneys’ fees pursuant to 28 U.S.C. § 1447(c), the parties’ Joint Statement pursuant to Local Rule 54.3 and Defendant ARYZTA LLC’s Notice of Supplemental Authority. In addition to pleading a Third Cause of Action for Intrusion Upon Seclusion, Plaintiff’s First Amended Class Action Complaint further pleads that ARYZTA “violated Plaintiff’s and the Class’s [sic] right to privacy in their biometric identifiers or biometric information as set forth in the BIPA, 740 ILCS 14/1, *et seq.*” based on the purported disclosure of Plaintiff’s biometric information to third-party ADP, LLC. (Ex. K, ¶¶58-59, 6). Such an injury was recently considered “a sufficiently concrete injury for Article III standing” by Judge Kennelly in *Dixon v. The Washington and Jane Smith Community*,

et al., 17 C 8033, 2018 WL 2445292 (N.D.Ill. May 31, 2018). (See Exhibit B to Notice of Supplemental Authority.)

In light of Plaintiff's First Amended Class Action Complaint and the recent opinions included with Defendant ARYZTA LLC's Notice of Supplemental Authority, Defendant further requests that this Honorable Court set this matter for oral argument regarding its decision as to the proper award of attorneys' fees pursuant to 28 U.S.C. § 1447(c).

Respectfully Submitted,

By: /s/ Kevin M. O'Hagan
One of the attorneys for Defendant,
ARYZTA LLC

Kevin M. O'Hagan (ARDC No. 6211446)
Jamie L. Filipovic (ARDC No. 6278943)
Kristen A. Cemate (ARDC No. 6299262)
O'Hagan Meyer, LLC
One East Wacker Drive, Suite 3400
Chicago, Illinois 60601
T: 312.422.6100
F: 312.422.6110
kohagan@ohaganmeyer.com
jfilipovic@ohaganmeyer.com
kcemate@ohaganmeyer.com

CERTIFICATE OF SERVICE

This is to certify that on the **8th day of June, 2018**, I, Kevin M. O'Hagan, an attorney of record, electronically filed the foregoing *Defendant ARYZTA LLC's Notice of Supplemental Exhibit and Request for Oral Argument*, using the CM/ECF system, pursuant to the General Order on Electronic Case Filing and in compliance with Local Rules 5.2(a) and 5.5, which will effectuate service upon all counsel of record at the following email addresses:

David J. Fish, dfish@fishlawfirm.com, admin@fishlawfirm.com,
sanders@fishlawfirm.com

Kimberly A. Hilton, khilton@fishlawfirm.com, admin@fishlawfirm.com,
sanders@fishlawfirm.com

John C. Kunze, jkunze@fishlawfirm.com

The Fish Law Firm, P.C.

200 East Fifth Avenue, Suite 123

Naperville, Illinois 60563

Sydney M. Janzen, sjanzen@edelson.com

Todd M. Logan, tlogan@edelson.com

Benjamin Harris Richman, brichman@edelson.com, docket@edelson.com

J. Eli Wade Scott, ewadescott@edelson.com, docket@edelson.com

Edelson P.C.

350 North LaSalle Street, 13th Floor

Chicago, Illinois 60654

By: /s/ Kevin M. O'Hagan
One of the attorneys for Defendant,
ARYZTA LLC

Kevin M. O'Hagan (ARDC No. 6211446)

Jamie L. Filipovic (ARDC No. 6278943)

Kristen A. Cemate (ARDC No. 6299262)

O'Hagan Meyer, LLC

One East Wacker Drive, Suite 3400

Chicago, Illinois 60601

T: 312.422.6100

F: 312.422.6110

kohagan@ohaganmeyer.com

jfilipovic@ohaganmeyer.com

kcemate@ohaganmeyer.com